

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KELVIS AVILA,

Petitioner,

v.

CASE NOS. 2:06-cv-263; 2:06-cv-577
CRIM. NO. 2:04-cr-156
JUDGE FROST
MAGISTRATE JUDGE ABEL

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

On January 24, 2007, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant consolidated motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 be dismissed. Doc. No. 38. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. The instant §2255 petition is hereby **DISMISSED**.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
United States District Judge